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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BEST ODDS CORP., a Nevada corporation,

Plaintiff,

v.

IBUS MEDIA LIMITED, a foreign company;
IBUS MEDIA HOLDINGS (IOM) LIMITED, a
foreign company,

Defendants.

Case No.: 2:14-cv-00932

COMPLAINT

(JURY TRIAL DEMANDED)

Plaintiff Best Odds Corp. ("Plaintiff"), by and through its counsel, GIBSON LEGRAND LLP, complains and alleges as follows against Defendants iBus Media Limited ("iBus Media") and iBus Media Holdings (IOM) Limited ("iBus Holdings"; collectively with iBus Media, "Defendants"), on information and belief, that the following are and have been true at all times relevant to this lawsuit unless otherwise indicated specifically to the contrary:

NATURE OF THE ACTION

1. This is an action for service mark infringement under § 32 of the Lanham Trademark Act of 1946 (the "Lanham Act") (15 U.S.C. § 1114) and misappropriation of licensable commercial properties under Nevada common law, all arising from Defendants' repeated infringement of Plaintiff's registered service mark MAC POKER, a copy of said registration is attached hereto as Exhibit 1.

PARTIES

2. Plaintiff is a Nevada corporation duly organized under the laws of the State of Nevada, with its principal place of business in Nevada.

1 12. Personal jurisdiction over Defendants is proper because Defendants have
2 routinely and continuously employed individuals to work in the State of Nevada on at least an
3 annual basis since at least 2008 to conduct live reporting in Las Vegas as shown in Defendants'
4 website as indicated in Exhibit 4 attached hereto.

5 13. Personal jurisdiction over Defendants is proper because Defendants enter into
6 contracts with United States residents on a systematic and continuous basis as part of Defendants
7 routine business activities conducted from Defendants' website by way of Defendants entry into
8 terms of use agreements with said United States residents (the "Contracts") as shown in
9 Defendants' website as indicated in Exhibit 5 attached hereto.

10 14. A material subsection of the United States residents with whom the Defendants
11 enter into the Contracts are Nevada residents.

12 15. Personal jurisdiction over Defendants is proper because Defendants' website-
13 based commercial activities with United States residents are active and dynamic insofar as the
14 website is not merely a passive website, but rather, engages United States residents through the
15 use of active and persistent log-in "cookies" that track and engage the relevant interactive
16 activities of Defendants' United States resident consumers for purposes of commercial gain as
17 shown in Defendants' website as indicated in Exhibit 6 attached hereto.

18 16. Personal jurisdiction over Defendants is proper because Defendants' commercial
19 activities in the United States as otherwise alleged herein are materially tied to Nevada with
20 continuing "Sin City Series" activities (as shown in Defendants' website as indicated in Exhibit 7
21 attached hereto), relationships with the World Series of Poker centered in Las Vegas (as shown
22 in Defendants' website as indicated in Exhibit 8 attached hereto), and otherwise significant
23 commercial activity with Nevada residents and businesses.

24 17. Personal jurisdiction over Defendants is proper because Defendants, as
25 competitors of Plaintiff, intentionally created or caused to be created, and continue to maintain or
26 cause to be maintained, a minimum of three World Wide Web sites, reposed at the domains
27 <pokernews.com>, <pokernetwork.com>, and <pokerworks.com> (collectively, "Defendants'
28

1 Websites”), which contain content that, without limitation, infringes Plaintiff’s registered service
2 mark.

3 18. Personal jurisdiction over Defendants is proper because Defendants, as
4 competitors of Plaintiff, engaged in wrongful conduct, including, without limitation,
5 infringement of Plaintiff’s registered service mark, which wrongful conduct was targeted at
6 Plaintiff, whom Defendants knew to be a resident of the United States.

7 19. Personal jurisdiction over Defendants is proper because Defendants themselves
8 admit, in a publicly published self-serving statement, that Defendants’ Websites have
9 “significant U.S. presence” (the “Presence Admission”) as shown in Defendants’ website as
10 indicated in Exhibit 9 attached hereto.

11 20. Personal jurisdiction over Defendants is proper because even if Defendants’
12 Presence Admission is deemed merely a marketing ploy, such Presence Admission should
13 reasonably make Defendants aware that Defendants will be viewed as making an admission of
14 maintaining significant United States minimum contacts.

15 21. Personal jurisdiction over Defendants is proper because Defendants provide news
16 coverage of gaming-related events in the United States and Nevada, such as the World Series of
17 Poker, with such coverage directed to a United States-based audience.

18 22. Personal jurisdiction over Defendants is proper because Defendants provide on,
19 without limitation, pokernews.com, functionality by which site users may make hotel and other
20 travel reservations in the United States and Nevada (the “Hotel Network”) as shown in
21 Defendants’ website as indicated in Exhibit 10 attached hereto.

22 23. Personal jurisdiction over Defendants is proper because Defendants provision of
23 the Hotel Network is enabled through engaging in business with United States contracting parties
24 insofar as Defendants themselves do not own or manage hotel venues themselves.

25 24. Personal jurisdiction over Defendants is proper because Defendants, competitors
26 of Plaintiff, committed Defendants’ wrongful acts with the knowledge that Plaintiff is a resident
27 of both Nevada and the United States and would suffer any injuries from Defendants’ wrongful
28 conduct in Nevada and the United States.

1 25. Personal jurisdiction over Defendants is proper because Defendants, who are both
2 foreign entities, are not subject to jurisdiction in courts of general jurisdiction of any state of the
3 United States.

4 **VENUE**

5 26. Defendants are aliens, and this action is thus appropriately venued in the District
6 of Nevada pursuant to 28 U.S.C. § 1391(d).

7 27. This action is appropriately venued in the District of Nevada pursuant to 28
8 U.S.C. § 1391(a)(2), as a substantial part of the events or omissions giving rise to the claims
9 herein occurred in the State of Nevada.

10 **FACTS**

11 28. Plaintiff uses the MAC POKER service mark in connection with providing news
12 and information via a global computer network in the field of gaming, namely, online gaming
13 websites, gaming strategy, gaming software, gaming rules, online gaming affiliate programs,
14 gaming television show schedules, and gaming tournament schedules (“Plaintiff’s Services”; the
15 mark MAC POKER used in connection with Plaintiff’s Services hereinafter “Plaintiff’s Mark”).

16 29. On or about November 1, 2011, the United States Patent and Trademark Office
17 issued registration number 4,047,372 to Plaintiff’s Mark on the Principal Register of
18 Trademarks.

19 30. Plaintiff markets, and has, at all times relevant to this lawsuit, marketed,
20 Plaintiff’s Services on and through Plaintiff’s Internet web pages (“Plaintiff’s Content”), located,
21 from time to time, at the domain <macpokeronline.com> (“Plaintiff’s Domain”; Plaintiff’s
22 Content and Plaintiff’s Domain collectively referred to as “Plaintiff’s Website”).

23 31. Defendants’ Websites provide, without limitation, news and information via a
24 global computer network in the field of gaming, namely, without limitation, news and
25 information regarding online gaming websites, gaming strategy, gaming software, gaming rules,
26 online gaming affiliate programs, gaming television show schedules, and gaming tournament
27 schedules (“Defendants’ Services”).
28

1 42. Plaintiff has sustained actual damages as a direct and proximate result of the
2 Infringing Mark Use, and Defendants are liable to Plaintiff for the amount of those actual
3 damages pursuant to § 35 of the Lanham Act (15 U.S.C. § 1117).

4 43. Defendants have profited as a direct and proximate result of the Infringing Mark
5 Use, and Defendants are liable to Plaintiff for the amount of those profits pursuant to § 35 of the
6 Lanham Act (15 U.S.C. § 1117).

7 44. Plaintiff has incurred costs of suit in connection with bringing this action, and
8 Defendants are liable to Plaintiff for those costs of suit pursuant to § 35 of the Lanham Act (15
9 U.S.C. § 1117).

10 **SECOND CAUSE OF ACTION**

11 **MISAPPROPRIATION OF COMMERCIAL PROPERTIES UNDER NEVADA**

12 **COMMON LAW**

13 45. Plaintiff incorporates, repeats, and realleges every allegation set forth above.

14 46. Plaintiff has invested significant time, effort, and money in creating, publicizing,
15 and protecting Plaintiff's Mark and developing valuable goodwill arising from and associated
16 with Plaintiff's Mark ("Plaintiff's Commercial Property").

17 47. Plaintiff has preserved Plaintiff's right to license, encumber, or sell Plaintiff's
18 Commercial Property to individuals or entities while Plaintiff has expended substantial resources
19 to increase the value of such potential licensing, encumbrance, or sales.

20 48. Defendants misappropriated Plaintiff's Commercial Property by misappropriating
21 Plaintiff's Mark, with respect to which Defendants intend to license, encumber, or sell Plaintiff's
22 Commercial Property to individuals and/or entities, for Defendants' enrichment, without
23 appropriately compensating Plaintiff.

24 49. Plaintiff has sustained and will continue to sustain damages as a direct and
25 proximate result of Defendants' misappropriation of Plaintiff's Commercial Property, and
26 Defendants are liable to Plaintiff for the amount of those present and future damages.

51. Plaintiff has been required to retain an attorney to prosecute this action, and Defendants are liable to Plaintiff for Plaintiff's attorney fees incurred in connection with the prosecution of this action.

PRAYER FOR RELIEF

- a. For compensatory damages as alleged herein;
- b. For punitive and exemplary damages;
- c. For attorneys' fees and costs of suit incurred herein;
- d. For any other relief this Court may deem proper.

Plaintiff hereby requests trial by jury on all causes of action set forth in this Complaint.

Respectfully submitted this 12th day of June, 2014.

By /s/ Steven A. Gibson

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